HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G. V. SEETHAPATHY

WAMP No.4121 of 2005
And
Writ Appeal No.2301 of 2005

Between:

K. Saibaba

... Appellant

And

The Presiding Officer,
Additional Industrial Tribunal-cum-
Labour Court, Hyderabad and another

... Respondents

::JUDGMENT::

Counsel for the appellant: Sri G. Vidyasagar

Counsel for respondent No.1: Government Pleader for Labour

Counsel for respondent No.2: Smt. Uma Devi for
Sri K. Srinivasa Murthy

July 31, 2006

Per G.S. Singhvi, CJ

Although this case has been listed today for consideration of WAMP No.4121 of 2005 filed by the appellant for early hearing of Writ Appeal No.2301 of 2005, learned counsel for the parties agreed that the Court may dispose of the main appeal which is directed

against order dated 29-8-2002 passed by the learned Single Judge in Writ Petition No.25192 of 1998.

The appellant was employed in the services of Hindustan Aeronautics Limited (HAL) (hereinafter described as, 'the employer'). He was removed from service after conducting departmental enquiry. He challenged the same by filing an application under Section 2-A (2) of the Industrial Disputes Act, 1947, which was registered as I.D.No.106 of 1995. By an award dated 28-8-1997, Additional Labour Court, Hyderabad ordered reinstatement of the appellant with continuity of service, but without back wages with a further direction that the period of absence from duty to be counted for the purpose of increment, for payment of gratuity and seniority etc. The employer challenged the award in Writ Petition No.31491 of 1997. The appellant also challenged the award in Writ Petition No.25192 of 1998. Both the writ petitions were dismissed by the learned Single Judge by a common order dated 29-8-2002. On an appeal preferred by the employer, which was registered as Writ Appeal No.208 of 2003, the Division Bench set aside the order of the Single Bench insofar as Writ Petition No.31491 of 1997 is concerned and remanded the case for fresh adjudication of that petition. Thereafter, another learned Single Judge vide his order dated 1-9-2003 again dismissed Writ Petition No.31491 of 1997. Writ Appeal No.2153 of 2003 preferred by the employer against the order of the learned Single Judge was dismissed by the Division Bench vide judgment dated 9-1-2004.

Smt.Uma Devi, learned counsel for the employer says that her client did not challenge the judgment of the Division Bench by filing a petition for special leave to appeal.

Sri G. Vidyasagar says that since the award has acquired finality,

this appeal may be disposed of as infructuous. Ordered accordingly.

As a sequel to disposal of the main appeal, all miscellaneous petitions including WAMP No.4121 of 2005 shall stand disposed of.

G.S. SINGHVI, CJ

G. V. SEETHAPATHY, J

July 31, 2006

svs